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U.S. Agencies Said to Oppose Ban on Secret Taping

Associated Press

The nation's law enforcement and intelligence agencies oppose a Senate amendment to ban secret telephone taping by federal officials because agency leaders think the proposal is "gravely flawed," two senators said yesterday.

The ban was proposed by a group of Democratic senators, including Minority Leader Robert C. Byrd Jr. (D-W.Va.), as an amendment to a comprehensive anti-crime bill. The bill had been crafted by Republican and Democratic sponsors, who had expressed hope that it would get through the chamber without controversial amendments.

Sen. Strom Thurmond (R-S.C.), chief sponsor of the anti-crime measure, appealed to the taping-ban sponsors to separate it from the package so the bill would not be jeopardized.

Thurmond then read on the floor a Justice Department letter warning that the "ill-conceived and hastily drafted" anti-taping legislation would raise "a host of problems" for law enforcement agents.

Assistant Attorney General Robert McConnell wrote that the amendment was "a gravely flawed product," adding, "To approve it at this time would be the height of irresponsibility."

Sen. Barry Goldwater (R-Ariz.), chairman of the Intelligence Committee, said he was informed by attorneys for intelligence agencies that "they do not think they can continue doing their job under this legislation."

The anti-taping bill includes an exception for intelligence and law enforcement agents, but the agencies believe that the language is inadequate, Thurmond and Goldwater said. McConnell's letter said the proposal would lead to endless court challenges by defense lawyers.

Despite the pleas, the two main sponsors of the taping ban said the measure is necessary in the wake of secret telephone taping by Charles Z. Wick, director of the United States Information Agency. Wick acknowledged the taping, but apparently did not violate federal law.

Sen. Dale Bumpers (D-Ark.), one of the amendment's sponsors, said, "The whole concept of taping telephone conversations is offensive to me," adding that Wick "would be offended and outraged" if he was secretly recorded.

The other chief sponsor is Sen. Howard M. Metzenbaum (D-Ohio).

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